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12 *Attorneys for Plaintiff and the putative class*

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **OAKLAND DIVISION**

16 BRIAN GLAUSER, individually and on  
behalf of all others similarly situated,

17 *Plaintiff,*

18 *v.*

19 GROUPME, INC., a Delaware corporation,

20 *Defendant.*  
21  
22  
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Case No. 4:11-cv-02584-PJH

**DECLARATION OF BENJAMIN H.  
RICHMAN IN SUPPORT OF PLAINTIFF  
GLAUSER'S UNOPPOSED  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
PURSUANT TO CIVIL L.R. 7-11  
AND 79-5**

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted *pro hac vice* in the United States District Court for the  
3 Northern District of California. I am entering this declaration in support of Plaintiff Glauser's  
4 Unopposed Administrative Motion to File Documents Under Seal Pursuant to Civil L.R. 7-11 and  
5 79-5. This declaration is based upon my personal knowledge, except where expressly noted  
6 otherwise. If called upon to testify to the matters stated herein, I could and would competently do  
7 so.

8 2. I am a partner in the law firm of Edelson PC, which has been retained to represent  
9 the named Plaintiff in this matter, Brian Glauser.

10 3. In his Opposition to GroupMe, Inc.'s ("GroupMe") Motion for Summary  
11 Judgment on Plaintiff's Individual Claims ("Opposition"), Plaintiff Brian Glauser relies upon the  
12 Declaration of Shawn C. Davis ("Davis Declaration") and several documents that were produced  
13 by Defendant GroupMe, Inc. in discovery and designated as "Highly Confidential – Attorneys'  
14 Eyes Only" and "Highly Confidential – Source Code" pursuant to the June 23, 2014 Protective  
15 Order entered in this matter ("Protective Order"). As a result, Plaintiff Glauser seeks to file those  
16 documents entirely under seal.

17 4. In particular:

- 18 • The Davis Declaration contains extensive references to and quotations from  
19 exhibits that have been marked "Confidential," "Highly Confidential -  
20 Attorneys' Eyes Only" and "Highly Confidential – Source Code" by  
21 GroupMe pursuant to the Protective Order.
- 22 • Exhibit A contains information regarding how GroupMe's systems stores  
23 data, bates labeled GM\_0000231-0000232. GroupMe has designated these  
24 documents "Highly Confidential – Attorneys' Eyes Only."
- 25 • Exhibit B is an excerpt of the source code underlying GroupMe's  
26 proprietary texting platform, bates labeled GM\_0000133-0000138.  
27 GroupMe has designated these documents "Highly Confidential – Source  
28

Code.”

- Exhibit C is an excerpt of the source code underlying GroupMe’s proprietary texting platform, bates labeled GM\_0000150. GroupMe has designated this document “Highly Confidential – Source Code.”
- Exhibit D is an excerpt of the source code underlying GroupMe’s proprietary texting platform, bates labeled GM\_0000125-0000129. GroupMe has designated these documents “Highly Confidential – Source Code.”

5. Portions of Plaintiff’s Opposition also contain references to and quotations from an exhibit that has been marked “Confidential” by GroupMe pursuant to the Protective Order. Plaintiff has therefore redacted from the publically filed version of the Opposition where appropriate.

6. On September 29, 2014, my office communicated with counsel for Defendant GroupMe, Jonathan Hawk of White & Case LLP, and Mr. Hawk confirmed that GroupMe does not oppose Plaintiff’s Administrative Motion to File Documents Under Seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of September, 2014 at Chicago, Illinois.

/s/ Benjamin H. Richman  
Benjamin H. Richman